

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Nicholas Alcinder Person**

**Docket No. 5:03-CR-213-1BO**

**Petition for Action on Supervised Release**

COMES NOW Arthur B. Campbell, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Nicholas Alcinder Person, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on September 1, 2004, to the custody of the Bureau of Prisons for a term of 108 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Nicholas Alcinder Person was released from custody on October 12, 2011, at which time the term of supervised release commenced.

On January 26, 2012, a Violation Report was submitted to the court advising that the defendant tested positive for marijuana on three separate occasions. The court concurred with the probation officer's recommendation to continue supervision with increased frequency drug testing and substance abuse counseling.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

Mr. Person tested positive for marijuana on February 16, 2012. While this results in the defendant's fourth positive drug test in a 12 month period, the defendant has not tested positive for illegal drugs since February and has completed treatment. We believe that a sanction of 90 days of home detention is an appropriate response to the outlined noncompliance. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller  
Jeffrey L. Keller  
Supervising U.S. Probation Officer

/s/ Arthur B. Campbell  
Arthur B. Campbell  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: (919) 861-8677  
Executed On: April 16, 2012

**ORDER OF COURT**

Considered and ordered this 16 day of April, 2012, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle  
Terrence W. Boyle  
U.S. District Judge